

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James Lewis Davis

Docket No. 5:94-CR-156-2F

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Lewis Davis, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess With Intent to Distribute Cocaine Base, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 1, 1995, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.

James Lewis Davis was released from custody on March 14, 2008, at which time the term of supervised release commenced. On April 11, 2012, the court was notified that Mr. Davis tested positive for marijuana and admitted to using the substance on March 16, 2012. Mr. Davis was placed back in our Surprise Urinalysis Program and referred for substance abuse treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Although Mr. Davis is currently participating in substance abuse treatment and states that he finds it very helpful, he relapsed and used marijuana again on June 13, 2012. According to Mr. Davis and his treatment counselor at First Step Services, mental health treatment might be able to

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help him, along with continued participation in substance abuse treatment, deal with some emotional issues that triggered his relapse. We, therefore, recommend adding a mental health condition and referring him for treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: July 23, 2012

ORDER OF COURT

Considered and ordered this 24th day of July, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge